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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION

In re

Jeffrey S. Beier,

Debtor.

Case No. 8:23-bk-10898-TA

Chapter 7

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION TO RECONSIDER
ORDER OVERRULING DEBTOR'S
OBJECTION TO PROOF OF CLAIM 2-1
FILED BY THE BANK OF NEW YORK
MELLON, FKA THE BANK OF NEW
YORK SUCCESSOR TRUSTEE TO
JPMORGAN CHASE BANK, N.A., AS
TRUSTEE FOR THE BEAR STEARNS
ALT-A TRUST, MORTGAGE
PASS-THROUGH CERTIFICATES,
SERIES 2005-04 [DOCKET NUMBER 134]**

Hearing Date

Date: March 5, 2024

Time: 11:00 a.m.

Place: Courtroom 5B

411 West Fourth Street

Santa Ana, CA 92701-4593

**TO THE HONORABLE C. THEODORE ALBERT, UNITED STATES BANKRUPTCY JUDGE;
CLAIMANT, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK
SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR THE
BEAR STEARNS ALT-A TRUST, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES
2005-04 AND THEIR ATTORNEYS OF RECORD; AND OTHER INTERESTED PARTIES
AND THEIR ATTORNEYS OF RECORD:**

Debtor, Jeffrey S. Beier ("Debtor"), hereby requests this Court to take judicial notice, pursuant

1 to Federal Rule of Evidence 201,¹ of the following:

2 1. Proof of Claim Number 2-1 for The Bank of New York Mellon fka the Bank of New
3 York Successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Bear Stearns Alt-A Trust,
4 Mortgage Pass-through Certificates, Series 2005-04, filed July 12, 2023 in the above-captioned
5 bankruptcy case, a true and correct copy of which is attached hereto and incorporated herein, by this
6 reference, as Exhibit "A."

7 2. Objection to Proof of Claim 2-1 filed by Bank of New York Mellon, fka the Bank of New
8 York Successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Bear Stearns Alt-A Trust,
9 Mortgage Pass-Through Certificates, Series 2005-04, filed in the above-captioned bankruptcy case on
10 December 1, 2023 [Docket Number 108], a true and correct copy of which is attached hereto and
11 incorporated herein, by this reference, as Exhibit "B."

12 3. Opposition to Objection to Proof of Claim 2-1 filed by Bank of New York Mellon, fka
13 the Bank of New York Successor Trustee JPMmorgan Chase Bank, N.A., as Trustee for the Bear Stearns
14 Alt-A Trust, Mortgage Pass-Through Certificates, Series 2005-04, filed in the above-captioned
15 bankruptcy case on December 26, 2023 [Docket Number 124], a true and correct copy of which is
16 attached hereto and incorporated herein, by this reference, as Exhibit "C."

17 4. Request for Judicial Notice in Support of Opposition to Objection to Proof of Claim 2-1
18 filed by Bank of New York Mellon, fka the Bank of New York Successor Trustee to JPMorgan Chase
19 Bank, N.A., as Trustee for the Bear Stearns Alt-A Trust, Mortgage Pass-Through Certificates, Series
20 2005-04, filed in the above-captioned bankruptcy case on December 26, 2023 [Docket Number 127],
21 a true and correct copy of which, excluding the exhibits, is attached hereto and incorporated herein, by
22 this reference, as Exhibit "D."

23 5. Reply to Opposition to Objection to Proof of Claim 2-1 filed by Bank of New York
24 Mellon, fka the Bank of New York Successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for
25 the Bear Stearns Alt-A Trust, Mortgage Pass-Through Certificates, Series 2005-04, filed in the above-
26 captioned bankruptcy case on January 2, 2024 [Docket Number 128], a true and correct copy of which

27
28 ¹ The Federal Rules of Evidence are made applicable to this bankruptcy case pursuant to
Fed. R. Evid. 1101.

1 is attached hereto and incorporated herein, by this reference, as Exhibit "E."

2 6. Transcript of Hearing on Objection to Claim 2-1 held on January 9, 2024, a true and
3 correct copy of which is attached hereto and incorporated herein, by this reference, as Exhibit "F."

4 7. Order Overruling Debtor's Objection to Proof of Claim 2-1 filed by Bank of New York
5 Mellon, fka the Bank of New York Successor Trustee to Jpmorgan Chase Bank, N.A., as Trustee for
6 the Bear Sterns Alt-A Trust, Mortgage Pass-Through Certificates, Series 2005-04, filed in the above-
7 captioned bankruptcy case on January 24, 2024 [Docket Number 134], a true and correct copy of which
8 is attached hereto and incorporated herein, by this reference, as Exhibit "G."

9 8. Supplemental Memorandum of Mortgage Electronic Registration Systems, Inc, in
10 Support of Motion for Relief from Stay, filed in the bankruptcy case *In re Jeffrey Scott Beier and Toni*
11 *Renita Beier AKA Toni Cook AKA Toni Gallucci*, styled Case No. 8:08-bk-12163-RK on June 23, 2008
12 [Docket Number 17], a true and correct copy of which is attached hereto and incorporated herein, by
13 this reference, as Exhibit "H."

14 9. Declaration of Joseph C. Delmontte in Support of Opposition to Objection to Proof of
15 Claim 2-1, filed in the above-captioned bankruptcy case on December 26, 2023 [Docket Number 125],
16 a true and correct copy of which, excluding the exhibits, is attached hereto and incorporated herein, by
17 this reference, as Exhibit "I."

18 10. Declaration of Jae Min in Support of Opposition to Objection to Proof of Claim 2-1, filed
19 in the above-captioned bankruptcy case on December 26, 2023 [Docket Number 126], a true and correct
20 copy of which, excluding the exhibits, is attached hereto and incorporated herein, by this reference, as
21 Exhibit "J."

22 Respectfully Submitted,

23 HABERBUSH, LLP

24
25 Dated: February 7, 2024

By: /s/ Lane K. Bogard
Lane K. Bogard, ESQ., Attorneys for Debtor.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
444 West Ocean Boulevard, Suite 1400, Long Beach, CA 90802

A true and correct copy of the foregoing document entitled (*specify*): **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO RECONSIDER ORDER OVERRULING DEBTOR'S OBJECTION TO PROOF OF CLAIM 2-1 FILED BY THE BANK OF NEW YORK MELLON, FKA THE BANK OF NEW YORK SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR THE BEAR STEARNS ALT-A TRUST, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-04 [DOCKET NUMBER 134]** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **February 7, 2024**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- **Anerio V Altman** LakeForestBankruptcy@jubileebk.net, lakeforestpacer@gmail.com;ecf@casedriver.com
- **Lane K Bogard** lbogard@lbinsolvency.com, dhaberbush@lbinsolvency.com,ahaberbush@lbinsolvency.com,abostic@lbinsolvency.com,haberbush.assistant@gmail.com, vhaberbush@lbinsolvency.com,jborin@lbinsolvency.com
- **Greg P Campbell** chl1ecf@aldridgepite.com, gc@ecf.inforuptcy.com;gcampbell@aldridgepite.com
- **Arturo Cisneros** arturo@mclaw.org, CACD_ECF@mclaw.org
- **Arturo Cisneros (TR)** amctrustee@mclaw.org, acisneros@iq7technology.com;ecf.alert+Cisneros@titlexi.com

- **Joseph C Delmotte** ecfcacb@aldridgepite.com, JCD@ecf.inforuptcy.com;jdelmotte@aldridgepite.com
- **David R Haberbush** dhaberbush@lbinsolvency.com, ahaberbush@lbinsolvency.com,abostic@lbinsolvency.com,vh aberbush@lbinsolvency.com,haberbush.assistant@gmail.com, jborin@lbinsolvency.com,lbogard@lbinsolvency.com
- **Michael J Hauser** michael.hauser@usdoj.gov
- **Nathan F Smith** nathan@mclaw.org, CACD_ECF@mclaw.org;mcecfnotices@ecf.courtdrive.com;c valenzuela@mclaw.org
- **United States Trustee (SA)** ustpregion16.sa.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On **February 7, 2024**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **February 7, 2024**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Theodor C. Albert, JUDGE
United States Bankruptcy Court
411 West Fourth Street,
Suite 5085 / Courtroom 5B
Santa Ana, CA 92701

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

February 7, 2024

Date

Alexander S. Bostic

Printed Name

Signature

Brian Thompson
Winterstone Real Estate
23792 Rockfield Blvd Ste 101
Lake Forest, CA 92630

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